

Congress of the United States

Washington, DC 20515

December 15, 2000

The Honorable Rodney Slater
Secretary
U.S. Department of Transportation
400 7th Street, NW
Washington, DC 20590

Dear Mr. Secretary:

On May 2, 2000, the Department of Transportation (DOT) proposed sweeping changes to the hours-of-service rule by including regulations that dictate how long commercial drivers could drive in a 24-hour period. While we commend your efforts to make our highways safer, we are concerned that the research for this rule assumes that every sector of the transportation industry operates in the same manner.

The impact of this particular rule would be devastating to the commercial intercity bus industry, its employees and their working conditions. It is our understanding that the entire basis for including the bus industry under this specific rule was the assumption that bus drivers operate in similar ways to truck drivers. This "one-size-fits-all" approach to regulating, fails to take into account the distinct characteristics of the commercial intercity bus industry and should not be the basis to include any one industry under this rule. By applying this standard we are setting a dangerous precedent for future rule making action.

Nowhere in the proposed rule does DOT identify a safety problem related to the current hours-of-service rule within the bus industry. As drafted, the proposed revised rule will have a negative economic impact on the entire commercial intercity bus industry and, by changing the industry's operating procedures, possibly worsen its outstanding safety record.

One of the areas most affected will be providers of rural intercity bus services. In many of these communities commercial intercity bus transportation remains the only means of mass transportation, especially for those on fixed incomes, such as the poor or elderly. Through the implementation of the proposed hours-of-service rule countless rural providers that are already operating on very small profit margins may be forced out of business. Needed transportation services to reach larger metropolitan areas for recreation and, more importantly, for health care may cease to exist.

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We believe the DOT and the Federal Motor Carrier Safety Administration should not modify current operating standards for the commercial intercity bus industry unless it can demonstrate that existing standards do not provide adequate safety. Any changes to current operating procedures for the commercial intercity bus industry should only take place after research and analysis on the unique and complex operations of the industry are completed and the research demonstrates that fatigue problems exist and changes to the current operating standards would significantly reduce or eliminate those fatigue problems.

Of course, had DOT complied with the Regulatory Flexibility Act, the adverse impacts on the commercial intercity bus industry would have been identified. DOT then would have been in position to develop less burdensome alternatives to its proposal including not making any regulatory changes for the commercial intercity bus industry. We expect that DOT will develop a final regulatory flexibility analysis that assesses the impact of any final rule on each sector within the commercial motor vehicle operator industry and examines less burdensome alternatives that provide safety on the highways while reducing the costs to small business owners.

We look forward to working with you toward a common sense solution aimed at making our highways safer.

Sincerely,

Jim Talbot
Nydia M. Velázquez

Don Young
Bill Parcell Jr.

Carolyn C. Kilpatrick

James T. Smith - Jr.

Don Dine

Albert R. Wynn

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